

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DERRICK D. HENDERSON, #1422462 §
VS. § CIVIL ACTION NO. 6:17cv320
LORIE DAVIS, ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Derrick D. Henderson (Henderson), an inmate confined at the Coffield Unit within the Texas Department of Criminal Justice proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. He names several prison officials as Defendants. The complaint was referred for findings of fact, conclusions of law, and recommendations for the disposition of the case. This present order concerns only Henderson's motion for a temporary restraining order or a preliminary injunction, (Dkt. #9), and the Magistrate Judge's Report recommending disposition for that motion, (Dkt. #18).

After reviewing Plaintiff's motion, the Magistrate Judge issued a Report recommending that Henderson's motion for a preliminary injunction be denied. The Magistrate Judge found that he did not satisfy the elements required for a preliminary injunction. A copy of this Report was sent to Henderson at his address; return receipt requested. The docket shows that Henderson received the Report on February 13, 2018. However, no objections have been received to date.

Accordingly, Henderson is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #18), is **ADOPTED**. Further, it is

ORDERED that Plaintiff's motion for a preliminary injunction/temporary restraining order, (Dkt. #9), is **DENIED**.

So **ORDERED** and **SIGNED** this **12** day of **March, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge